

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARINA SHAP,

Plaintiff,

v.

**CAPITAL ONE FIN. CORP., et al.,
Defendants.**

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CIVIL ACTION

NO. 11-4461

ORDER

AND NOW, this 30th day of March 2012, upon consideration of Defendants' Motion to Dismiss the Complaint (Doc. Nos. 4, 5), Plaintiff's response thereto (Doc. No. 7), and Defendants' Reply (Doc. No. 14), and for the reasons stated in the Opinion filed this day, it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part** as follows:

1. The Motion is **GRANTED** with respect to Count Two and Count Two is **DISMISSED**;
2. The Motion is **DENIED** in all other respects.

Defendants shall file an answer to the Complaint within twenty-one (21) days of the date of this Order.

It is so **ORDERED**.

BY THE COURT:

/s/ Hon Cynthia M. Rufe

HON. CYNTHIA M. RUFE